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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

Case No. 2009-183

11 VICTOR CORTEZ
17806 Crestline Road
12 Houston, Texas 77396

STATEMENT OF ISSUES

13 Applicant for RN License

14 Respondent.

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16 Ruth Ann Terry, M.P.H., R.N. (Complainant) alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity
19 as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

20 2. On or about July 30, 2008, the Board of Registered Nursing, Department
21 of Consumer Affairs received an Application for a Registered Nurse License from Victor Cortez
22 (Respondent). On or about July 23, 2008, Respondent certified under penalty of perjury to the
23 truthfulness of all statements, answers, and representations in the application. The Board denied
24 the application on August 20, 2008.

25 **STATUTORY PROVISIONS**

26 3. Section 2736 of the Business and Professions Code (Code) provides, in
27 pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that
28 the applicant has committed any acts constituting grounds for denial of licensure under section

1 480 of that Code.

2 4. Section 480 of the Code states:

3 (a) A board may deny a license regulated by this code on the grounds that
4 the applicant has one of the following:

5

6 (3) Done any act which if done by a licentiate of the business or
7 profession in question, would be grounds for suspension or revocation of license.

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9 5. Section 2761 of the Code states:

10 The board may take disciplinary action against a certified or licensed nurse
11 or deny an application for a certificate or license for any of the following:

12 (a) Unprofessional conduct, which includes, but is not limited to, the
13 following:

14

15 (4) Denial of licensure, revocation, suspension, restriction, or any other
16 disciplinary action against a health care professional license or certificate by
17 another state or territory of the United States, by any other government agency, or
18 by another California health care professional licensing board. A certified copy of
19 the decision or judgment shall be conclusive evidence of that action.

20 FIRST CAUSE FOR DENIAL

21 **(Disciplinary Action by the Board of Vocational Nursing and Psychiatric Technicians)**

22 6. Respondent's application is subject to denial under section 2761(a)(4) in
23 that effective May 20, 2005, pursuant to the Decision and Order of the California Board of
24 Vocational Nursing and Psychiatric Technicians, attached hereto as **Exhibit "A"**, Respondent's
25 Vocational Nurse License (No. VN 193336) was revoked, the revocation stayed, and Respondent
26 placed on three (3) years probation with terms and conditions. The discipline was imposed after
27 an investigation revealed that on February 11 and 12, 2003, Respondent diverted a controlled
28 substance (Demerol) in violation of Business and Professions Code section 2878.5 while on duty
at La Palma Hospital. Respondent was also disciplined for violating Business and Professions
Code sections 2878(j) and 2878.5(e) when, on February 12, 2003, he documented that he took a
patient order for Demerol 100mg, when in fact, no such order was given.

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